

EXHIBIT 7

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

JOSEPH J. HESKETH III,) No. 2:20-cv-01733-JLR
on his behalf and on behalf of)
other similarly situated persons,)
Plaintiff,)
vs.)
TOTAL RENAL CARE, INC., on its own)
behalf and on behalf of other)
similarly situated persons,)
Defendants.)

Video Conference Deposition Upon Oral Examination of
TONI PROCKISH

(Attendance of all participants via Zoom Video Conference)

DATE: April 2, 2021

REPORTED BY: Christina Atencio, CCR #2749

1 APPEARANCES:

2 For the Plaintiff:

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18 Also Present:

COLLEEN LUDWIG, ESQ.
Davita In-House Counsel

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1 E X H I B I T S

2 NO. DESCRIPTION PAGES

3

4 5 Teammate Policies Handbook, *

5 Effective 1/1/2020

6

7 7 Teammate Policies Section 4.12 (Disaster *

8 Relief Policy)

9

10 8 Teammate Policies Handbook, *

11 Effective 8/19/2020

12

13 13 Declaration of Carol Strong in Support *

14 of Total Renal Care, Inc.'s Notice of

15 Removal

16

17 (*Previously marked.)

18

19 E X A M I N A T I O N

20 BY PAGES

21

22 Mr. Jones.....4

23 (TRANSCRIPT MARKED AS REQUESTED.).....95

24

25

1 Friday, April 2, 2021

2 2:05 p.m.

3 -----

4 TONI PROCKISH, called as a witness in the
5 above-entitled cause, being
6 first duly sworn, testified
7 as follows:

8

9 EXAMINATION

10 BY MR. JONES:

11 Q. Ms. Prokish, I'm Craig Jones and I represent Mr.
12 Hesketh in this lawsuit. We're here to take your deposition
13 today. Have you ever given a deposition before?

14 A. Yes, I have in a previous role.

15 Q. Okay. And how many depositions have you given
16 previously?

17 A. One.

18 Q. And what was the occasion for you to have sat for a
19 deposition?

20 A. It was in connection with my role with my previous
21 employer.

22 Q. Okay. And previous employer gives me an idea of the
23 role that that person played but not the name. So would you
24 give me the name of your previous employer.

25 A. Municipality of Anchorage.

1 Q. I'm sorry?

2 A. Municipality of Anchorage in Alaska.

3 Q. Alaska, okay. Would you just give me an idea of
4 what that was about. I mean were you just a witness; were
5 you a party to that litigation? Give me some sense of what
6 it was.

7 A. I was a payroll manager at the time. And so based
8 on my role, I was asked to give testimony, be deposed.

9 Q. Be deposed, right. So it's sort of like -- well,
10 you have something to do with payroll here, don't you?

11 A. Yes, sir, I'm the payroll director.

12 Q. Now, how long ago was that deposition, Ms. Prockish?

13 A. Roughly ten years ago. I don't recall the exact
14 date.

15 Q. Okay. Well, you probably still remember some of the
16 ground rules. But let me go over them again, if you don't
17 mind. I'd like for you to answer out loud. Don't say
18 uh-huh or huh-uh because if you do our court reporter,
19 Christina -- who is very good -- may not pick it up
20 correctly because we are doing this remotely by Zoom. Would
21 you do that for me, please?

22 A. Yes.

23 Q. Secondly, I would like, while you're probably going
24 to understand what I'm asking you before I finish saying it
25 out loud, but if you hesitate just a second before you begin

1 A. Yes.

2 Q. Okay. And since you've been there for
3 six-and-a-half years, has your staff that you supervise been
4 in the same building as your office?

5 A. Yes.

6 Q. And that building at 32nd Avenue is where you and
7 the staff members that you supervise conduct their regular
8 duties; is that correct?

9 A. Yes.

10 Q. Until sometime around March of 2020 and that
11 changed; is that correct?

12 A. Yes, that is correct.

13 Q. And what changed?

14 A. The coronavirus pandemic occurred in mid -- hit us
15 in mid March of 2020 and the majority of my teammates
16 started working remotely from their home.

17 Q. Okay. And what was it that prevented them from
18 coming to the 32nd Avenue building in Federal Way?

19 A. The shelter in place order by our governor.

20 Q. So their regular duties, then, in the building at
21 32nd Federal Way -- I got that all backwards. Do you mind
22 if I start over again?

23 A. Please.

24 Q. The shelter in place order then in effect prevented
25 them from performing their regular duties at their normal

1 offices on 32nd Avenue in Federal Way, Washington, true?

2 A. Yes, unless they had a letter signed by our chief
3 accounting officer indicating that they were an essential
4 worker that required them to come into the building to
5 perform their work.

6 Q. Do you have such a letter?

7 A. I did, yes.

8 Q. Did you still work remotely?

9 A. I did. But on certain occasions when it was
10 necessary for me to come into the office, I did.

11 Q. And my understanding is that the shelter in place
12 order took place because of the infectious nature of
13 COVID-19; is that your understanding?

14 A. Yes, that is my understanding.

15 Q. Before the shelter in place order, did you keep
16 regular office hours as part of your duties for your
17 employer?

18 A. Yes, I had regular office hours but worked long
19 after those regular hours on occasion.

20 Q. I know the feeling. So it sounds like you were a
21 dedicated -- that you are a dedicated employee to Total
22 Renal Care and I appreciate that. But when we're talking
23 about your regular duties, I mean when you signed on, did
24 someone tell you now, you know, tell you your regular duties
25 are going to be 60 to 70 to 80 hours a week or something

S I G N A T U R E

I declare under penalty of perjury under the laws of the State of Washington that I have read my within deposition, and the same is true and accurate, same and except for changes and/or corrections, if any, as indicated by me on the CHANGE SHEET flyleaf page hereof. Signed in....., WA, on the.....day of....., 2021.

.....
Toni Prockish

Taken: April 2, 2021

Re: Hesketh v. Total Renal Care
Cause No. 2:20-cv-01733-JLR
Christina L. Atencio, CCR

C E R T I F I C A T E

STATE OF WASHINGTON)
)ss
COUNTY OF SNOHOMISH)

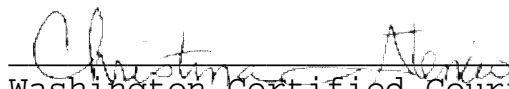
I, the undersigned Washington Certified Court Reporter, hereby certify that the foregoing deposition upon oral examination of TONI PROCKISH was taken stenographically before me on April 2, 2021 and transcribed under my direction;

That the witness was duly sworn by me pursuant to RCW 5.28.010 to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript to the best of my ability; that I am neither attorney for nor a relative or employee of any of the parties to the action or any attorney or counsel employed by the parties hereto nor financially interested in its outcome.

I further certify that in accordance with CR 30(e), the witness was given the opportunity to examine, read and sign the deposition, within 30 days, upon its completion and submission, unless waiver of signature was indicated in the record.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of April, 2021.

\S\CHRISTINA ATENCIO



Washington Certified Court Reporter No. 2749
License expires November 6, 2021



1 SEATTLE DEPOSITION REPORTERS
2 600 UNIVERSITY STREET, SUITE 320
3 SEATTLE, WA 98101
4 (206) 622-6661

5 C H A N G E S H E E T

6 PLEASE MAKE ALL CHANGES OR CORRECTIONS ON THIS SHEET,
7 SHOWING PAGE, LINE AND REASON.

8 -----
9 PAGE LINE CORRECTION AND REASON
10
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23 _____
24 Toni Prockish
25 Taken: April 2, 2021

26 Re: Hesketh v. Total Renal Care
27 Cause No. 2:20-cv-01733-JLR
28 Christina Atencio, CCR

SEATTLE DEPOSITION REPORTERS
600 UNIVERSITY STREET, SUITE 320
SEATTLE, WA 98101
(206) 622-6661

DATE FILED: April 13, 2021

Christina L. Henry, Esq.
Henry & DeGraaff
787 Maynard Avenue South
Seattle, WA 98104

NOTICE RE FILING OF ORIGINAL DEPOSITION

Case Name: Hesketh v. Total Renal Care
Venue: USDC-Western Dist. of Washington
Cause No.: 2:20-cv-01733-JLR
Witness: Toni Prockish
Taken: April 2, 2021

Enclosed is the original sealed transcript of
Toni Prockish.

Pursuant to 30(e), the original signature page
and changes, if any, received by this office will
be forwarded to all counsel.

Christina Atencio, Reporter

cc: File
Christina L. Henry, Esq.
Scott C. Borison, Esq.
J. Craig Jones, Esq.
Chelsea D. Petersen, Esq.
Margo Jasukaitis, Esq.

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JOSEPH J. HESKETH III,) No. 2:20-cv-01733-JLR
on his behalf and on behalf of)
other similarly situated persons,)
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behalf and on behalf of other)
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Defendants.)

COPY

Original Signature Page and Change Sheet to the
Video Conference Deposition Upon Oral Examination of
TONI PROCKISH

(Attendance of all participants via Zoom Video Conference)

DATE: April 2, 2021

REPORTED BY: Christina Atencio, CCR #2749

SEATTLE DEPOSITION REPORTERS
600 UNIVERSITY STREET, SUITE 320
SEATTLE, WA 98101
(206) 622-6661

DATE FILED: 5/13/2021

Christina L. Henry, Esq.
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Seattle, WA 98104

NOTICE RE ORIGINAL DEPOSITION

Case Name: Hesketh v. Total Renal Care
Venue: USDC-Western Dist. of Washington
Cause No.: 2:20-cv-01733-JLR
Witness: Toni Prockish
Taken: April 2, 2021

Pursuant to CR 30(e), deposition transcript was made available with Signature Page and Change Sheet to the above-referenced witness for examination, reading, and signing.

☒ Enclosed is a copy of the Signature Page and Change Sheet, if any, to the above-referenced original deposition transcript.

☐ No Signature Page, Corrections, or Changes were received by this office within the 30-day signature period.

Christina Atencio, Reporter

cc: File
Christina L. Henry, Esq.
Scott C. Borison, Esq.
J. Craig Jones, Esq.
Chelsea D. Petersen, Esq.
Margo Jasukaitis, Esq.

Joseph J. Hesketh III et al. v. Total Renal Care, Inc. et al.

Case No. 2:20-01733-JLR (Western District of Washington)

ERRATA SHEET TO TRANSCRIPT OF TONI PROCKISH

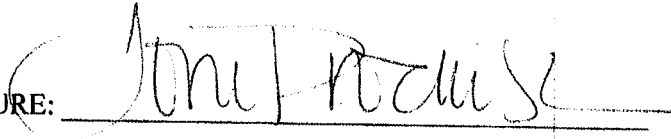
April 2, 2021

Page	Line(s)	Original	Correction	Reason
4	11	Prokish	Prockish	Misspelled
9	10	2002	2003	Wrong year indicated
11	19	Assistance	Systems	Wrong word
20	3	Is the liaison	??	Doesn't make sense. Can they listen again to the recording?
27	19	Reib	Rieb	Misspelled
27	20	Reib	Rieb	Misspelled
27	21	Reib, R-E-I-B	Rieb, R-I-E-B	Misspelled by me
27	23	Erik Seversen	Eric Severson	Misspelled
27	23	Seversen	Severson	misspelled
28	1	S-E-V-E-R-S-E-N	S-E-V-E-R-S-O-N	Misspelled by me
28	2	E-R-I-K	E-R-I-C	Misspelled by me
28	3	Reib	Rieb	misspelled
29	16	Reib	Rieb	misspelled
35	23	Prokish	Prockish	misspelled
48	3	Gimnus	Gimness	misspelled
50	1	Reib	Rieb	misspelled
54	2	For	Or	Wrong word
56	9	An	And	Wrong word
56	11	An	And	Wrong word
56	12	An	And	Wrong word
60	5	An	And	Wrong word
60	10	An	And	Wrong word
67	13	Sarmey	Sarni	misspelled
71	13	An	And	Wrong word
73	17	Determined	Determines	Correct tense
77	4	An	of the	
77	24	Allowed	Allows	Correct tense
78	16	Teammate	Teammates	More than one on the council
80	14	Per	For	Correcting reponse

95	12	Prokish	Prockish	misspelled
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I declare under penalty of perjury under the laws of the State of Washington that I have read my deposition, and the same is true and accurate, same and except for changes and/or corrections, if any, as indicated by me on this errata sheet.

Signed in Federal Way, WA, on the 28th day of April, 2021
 (City) (State) (Date) (Month)

SIGNATURE: 

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

JOSEPH J. HESKETH III,) No. 2:20-cv-01733-JLR
on his behalf and on behalf of)
other similarly situated persons,)
Plaintiff,)
vs.)
TOTAL RENAL CARE, INC., on its own)
behalf and on behalf of other)
similarly situated persons,)
Defendants.)

COPY

Original Signature Page and Change Sheet to the
Video Conference Deposition Upon Oral Examination of
OLIVER McKINSTRY

(Attendance of all participants via Zoom Video Conference)

DATE: April 2, 2021

REPORTED BY: Christina Atencio, CCR #2749

SEATTLE DEPOSITION REPORTERS
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SEATTLE, WA 98101
(206) 622-6661

DATE FILED: 5/13/2021

Christina L. Henry, Esq.
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787 Maynard Avenue South
Seattle, WA 98104

NOTICE RE ORIGINAL DEPOSITION

Case Name: Hesketh v. Total Renal Care
Venue: USDC-Western Dist. of Washington
Cause No.: 2:20-cv-01733-JLR
Witness: Oliver McKinstry
Taken: April 2, 2021

Pursuant to CR 30(e), deposition transcript was made available with Signature Page and Change Sheet to the above-referenced witness for examination, reading, and signing.

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Christina Atencio, Reporter

cc: File
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Scott C. Borison, Esq.
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Chelsea D. Petersen, Esq.
Margo Jasukaitis, Esq.

